

REMARKS

Reconsideration is requested.

Claims 1, 6 and 8-10 are pending. Claim 1 has been amended above to advance prosecution by obviating the remaining rejections.

Specifically, the Examiner has newly cited, for the first time in a final Office Action, and applied U. S. patents of Waite and Deming. The Examiner has not indicated how the applicants Amendment of October 5, 2006 necessitated the new grounds of rejection. The amendments of October 5, 2006 added details of previously examined claims 2-5 to claim 1, such that the Examiner should have previously examined the separate subject matter of claims 2-5, which depended from claim 1. The subject matter of amended claim 1 therefore should have been previously searched, and if found unpatentable over combinations of art including Waite and/or Deming, rejected prior to a final rejection. The new final rejections are believed to be inappropriate and issuance of a new, non-final Office Action is requested, with the date reset for responding from the mailing of the new Action, in the event the present Amendment is not entered and not found to place the application in condition for allowance.

To the extent not obviated by the above amendments, the Section 103 rejection of claims 1, 6, 8 and 10 over WO 01/44401 and Waite (U.S. Patent No. 4,496,397), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the above and the following further distinguishing comments.

WO 01/44401 is understood to teach that further components are needed in addition to dissolved bioadhesive polyphenolic protein. Such mandatory components

are polymers comprising carbohydrate groups and, in order to get the best results, an oxidation agent. It is furthermore clear from the examples that the formation of adhesive bonds occurs at a neutral to mildly alkaline pH, such as a pH of 7.5 – 9.5.

Given the teaching of WO 01/44401, one of ordinary skill in the art would not have reduced the pH according to the teaching of Waite, which is understood to disclose a method for purifying and stabilizing mussels adhesive protein. The cited patent is not believed to teach or suggest adhesive compositions or how to include the protein in an adhesive composition. Moreover, neither Waite nor WO 01/44401 teach or suggest reduction of pH to less than 2.5, as claimed above.

Entry of the present Amendment and withdrawal of the Section 103 rejection of claims 1, 6, 8 and 10 are requested.

The Section 103 rejection of claim 9 over WO 01/44401, Waite and Deming (U.S. Patent No. 6,506,577) is traversed. Deming is not believed to cure the deficiencies of WO 01/44401 and Waite note above. Claim 9, which is dependent from claim 1, is believed to be patentable over the cited art for the above-noted reasons.

Entry of the present Amendment and withdrawal of the Section 103 rejection of claim 9 are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /B. J. Sadoff/
B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100